

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA Richmond Division

UNITED STATES OF AMERICA)
v.) Criminal No. 3:12CR77–HEH
ONESIMO MARCELINO,)
Petitioner.)

<u>ORDER</u>

(Adopting Report and Recommendation and Denying Amended 28 U.S.C. § 2255 Motion)

In accordance with the accompanying Memorandum Opinion, it is hereby

ORDERED that:

- 1. Marcelino's ninth objection is SUSTAINED IN PART, and his remaining objections (ECF No. 216) are OVERRULED;
- 2. The Report and Recommendation (ECF No. 215) is ACCEPTED and ADOPTED;
- 3. Marcelino's Amended § 2255 Motion (ECF No. 205) and § 2255 Motion (ECF No. 161) are DENIED;
- 4. The action is DISMISSED; and,
- 5. A certificate of appealability is DENIED.

Should Marcelino desire to appeal, a written notice of appeal must be filed with the Clerk of the Court within sixty (60) days of the date of entry hereof. Failure to file a notice of appeal within that period may result in the loss of the right to appeal.

The Clerk is DIRECTED to send the Memorandum Opinion and Order to counsel of record.

It is so ORDERED.

Date: Sept 25 2017 Richmond, Virginia /s/
HENRY E. HUDSON
UNITED STATES DISTRICT JUDGE